

THE HON'BLE SRI JUSTICE M.S.RAMACHANDRA RAO

C.R.P. No.976 of 2015

ORDER :

This Civil Revision Petition is filed under Article 227 of the Constitution of India challenging the order 17.11.2014 in ATC.No.2 of 2014 of Special Officer for Tenancy Cases-cum-Principal Junior Civil Judge, Ramachandrapuram rejecting the objection raised by the petitioner herein to the marking of an unregistered Kowlupatram/lease letter on the ground that it requires stamp duty and registration.

2. The respondent herein had filed the above ATC for eviction of the petitioner herein from the subject property.

3. The respondent had sought to mark an unregistered Kowlupatram/lease letter on his behalf contending that Section 10 of the A.P. (Andhra Area) Tenancy Act,1956 (for short 'the Act') did not contemplate compulsory registration of lease. He also placed reliance on a judgment of the Division Bench in ***Jandhalaya Krishna Murthy v. Tullimilli Kotaiah***^[1].

3. The petitioner sought to contend that proviso under Section 10 of the Act requires every lease deed in writing to be registered. But the trial Court rejected the said contention.

4. Challenging the same, this Revision is filed.

5. It is not disputed by counsel for petitioner that Section 10 of the Act does not require a lease of agricultural land to be compulsorily registered.

6. A Division Bench of this Court in ***Jandhalaya Krishna Murthy's*** case (1 supra) also held that Section 10 of the Act did not contemplate compulsory registration of a lease of agricultural lands in Andhra Area.

7. Therefore, since there is no requirement of compulsory registration of lease, on the ground of the document is not registered, the Court cannot refuse to receive it.

8. The objection regarding stamp duty was however not gone into by the Court below.

9. Therefore, while holding that the document in question does not require registration, the Court below is directed to go into the objection regarding adequacy of stamp duty thereon. It shall decide the same after hearing both sides in accordance with law. Any other objection as to the marking of the said document other than the one relating to its non-registration, if raised by the petitioner, shall also be gone into by the Court below.

10. With the above direction, this Civil Revision Petition is dismissed. There shall be no order as to costs.

11. Consequently, miscellaneous petitions pending, if any, shall stand dismissed.

M.S.RAMACHANDRA RAO, J

13th July, 2014
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[\[1\]](#) 2004(3) L.S. 534(DB)